

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re: Desmond D. Holly
Laquitta R. Holly
Debtor(s)

Case No: 16-34820-H5-13

TRUSTEE'S MOTION TO DISMISS OR CONVERT TO A CHAPTER 7

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. If a response is filed, a hearing on this motion will be held at 9:30 am on Tuesday, December 20, 2016 at the U.S. Courthouse, 515 Rusk, Courtroom # 403.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

COMES NOW, William E. Heitkamp, Chapter 13 Trustee moves TO DISMISS, and would show the Court that the above-referenced case should be dismissed for the following:

1. The Chapter 13 Plan must be amended to provide for payment in full of the secured and priority claims within the term of the plan.
2. Payments due Pursuant to 11 U. S. C. 1326 (A) (1), and 1325 (A) (2) have not been made. All payments to the Chapter 13 Trustee must be sent to the following address: P.O. Box 740 Memphis, TN 38101-0740.

Wherefore, the Trustee prays that the case be dismissed, or converted to Chapter 7, whichever shall be determined to be in the creditors' best interest.

RESPECTFULLY SUBMITTED,

/s/ William E. Heitkamp

WILLIAM E. HEITKAMP, TRUSTEE

ADMISSIONS ID NO. 3857

ADDRESS FOR CORRESPONDENCE ONLY:

9821 KATY FREEWAY, SUITE 590

HOUSTON, TX 77024

(713) 722-1200 TELEPHONE

(713) 722-1211 FACSIMILE

ADDRESS FOR PAYMENTS ONLY:

P.O. BOX 740

MEMPHIS, TN 38101-0740